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MEMO ENDORSED

March 13, 2024

VIA ECF

Hon. Colleen McMahon
United States District Court
Southern District of New York
500 Pearl Street
New York, NY 10007

Extension to respond is granted.
Conference is re-scheduled to
4/18/2024 at 10:00 AM.

Re: Mason v. Banks, *et al.*, 23-cv-11108 (CM)

Dear Judge McMahon:

Colleen M. McMahon
3/13/2024

I am a Deputy Chief in the General Litigation Division at the Office of the Corporation Counsel. With Plaintiff's consent and for the reasons discussed below, I write to respectfully request an adjournment of the conference scheduled for tomorrow at 10:45am to April 3, 2024 (or such other date as the Court may choose), and an extension *nunc pro tunc* of Defendants' time to respond to the Complaint until April 15, 2024.

The Office of the Corporation Counsel is composed of several different divisions, some of which litigate in federal court. This Office has established an email address at which it accepts service of process in such cases. As Deputy Chief of the General Litigation Division, I am responsible for assigning all cases that are served on this Office that are forwarded to this Division to handle. From the Acknowledgement of Service filed on December 22, 2023 (Dkt. No. 5), it appears that service in this case was effectuated on December 22, 2023, and that Defendants' response to the Complaint therefore was due on January 12, 2024. A subsequent docket entry scheduled a pre-trial conference for March 14, 2024 at 10:45am.

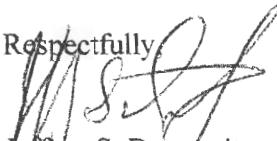
Unfortunately, the unit in this Office that monitors the electronic service inbox uncharacteristically failed to forward the Complaint in this case. Accordingly, I was not aware of this matter until an hour ago and, thus, did not assign it to a Division attorney. (This also accounts for Defendants' inability to make this request in accordance with Your Honor's Rule that such requests be made at least 48 hours prior to the scheduled conference.) Any default in this case was

inadvertent (for which we apologize to the Court, Plaintiff and Plaintiff's counsel), and Defendants intend to defend this matter.

In this case, Plaintiff seeks review of the decision of the State Review Officer of the New York State Education Department -- which found that the Department of Education had offered the Student a free appropriate education for the 2022-23 school year -- pursuant to the Individuals With Disabilities Education Act ("IDEA"), 20 U.S.C. §1400, *et seq.*, and corresponding State law. Though I am unfamiliar with the facts underlying this matter, cases such as this are typically decided on the parties' respective motions for summary judgment based entirely on the administrative record, with no need for discovery.

Based on the foregoing, I respectfully request that the pre-motion conference scheduled for March 14, 2024 be adjourned to April 3, 2024 (or such other date as the Court may choose), and that Defendants' time to respond to the Complaint be adjourned to April 15, 2024. This is Defendants' first request for an adjournment of the conference or for an extension of time to respond to the Complaint. No other deadlines would be affected if these requests were granted. I have consulted Plaintiffs' attorney, who consents to these requests.

Thank you for your consideration of these requests..

Respectfully,

Jeffrey S. Dantowitz
Assistant Corporation Counsel

cc: Rory J. Bellantoni, Esq.
 (via ECF)